

RULE 983, CALIFORNIA RULES OF COURT [COUNSEL PRO HAC VICE]

(a) [Eligibility]

A person who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or of the highest court in any state, territory or insular possession of the United States, and who has been retained to appear in a particular cause pending in a court of this state, may in the discretion of such court be permitted upon written application to appear as counsel pro hac vice, provided that an active member of the State Bar of California is associated as attorney of record. No person is eligible to appear as counsel pro hac vice pursuant to this rule if (1) he is a resident of the State of California, or (2) he is regularly employed in the State of California, or (3) he is regularly engaged in substantial business, professional, or other activities in the State of California. Absent special circumstances, repeated appearances by any person pursuant to this rule shall be a cause for denial of an application.

(b) [Application; Notice of Hearing]

A person desiring to appear as counsel pro hac vice in a superior, municipal, or justice court shall file with the court a verified application together with proof of service by mail in accordance with section 1013a of the Code of Civil Procedure of a copy of the application and of the notice of hearing of the application upon all parties who have appeared in the cause and upon the State Bar of California at its San Francisco office. The notice of hearing shall be given at the time prescribed in section 1005 of the Code of Civil Procedure unless the court has prescribed a shorter period.

An application to appear as counsel pro hac vice in the Supreme Court or a Court of Appeal shall be made as provided in rule 41, with proof of service upon all parties who have appeared in the cause and upon the State Bar of California at its San Francisco office.

The application shall state:

- (1) the applicant's residence and office address;
- (2) the courts to which the applicant has been admitted to practice and the dates of admission;
- (3) that the applicant is a member in good standing in those courts;
- (4) that the applicant is not currently suspended or disbarred in any court;
- (5) the title of court and cause in which the applicant has filed an application to appear as counsel pro hac vice in this state in the preceding two years, the date of each application, and whether or not it was granted; and
- (6) the name, address, and telephone number of the active member of the State Bar of California who is attorney of record.

(c) [Fee]

An applicant for permission to appear as counsel pro hac vice pursuant to this rule shall pay a reasonable fee not exceeding \$50 to the State Bar of California with the copy of the application and the notice of hearing

that is served upon the State Bar. The amount of the fee shall be fixed by the Board of Governors of the State Bar of California (1) to defray the expense of administering the provisions of this rule which are applicable to the State Bar and the incidental consequences resulting from such provisions, and (2) partially to defray the expenses of administering the Board's other responsibilities to enforce the provision of the State Bar Act relating to the competent delivery of legal services and the incidental consequences resulting therefrom.

(d) [Contempt and Other Court Sanctions; Discipline]

A person permitted to appear as counsel pro hac vice pursuant to this rule shall be subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of California. He shall familiarize himself and comply with the standards of professional conduct required of members of the State Bar of California and shall be subject to the disciplinary jurisdiction of the State Bar with respect to any of his acts occurring in the course of such appearance. Article 5, Chapter 4, Division III of the California Business and Professions Code and the Rules of Procedure of the State Bar shall govern in any investigation or proceeding conducted by the State Bar under this rule.

(e) This rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a member of the State Bar, but who is licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding. (As amended, effective September 13, 1972; October 3, 1973; September 3, 1986; January 17, 1991.)